

DATE OF MEETING | September 23, 2024 |

AUTHORED BY | MATTHEW REMPEL, SUBDIVISION PLANNER, SUBDIVISION |

SUBJECT | **SMALL-SCALE MULTI-UNIT HOUSING ZONING AMENDMENT –
2498 ROSSTOWN ROAD**

OVERVIEW

Purpose of Report

To present, for Council’s consideration, amendments to the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to apply the Provincial Small-Scale Multi-Unit Housing legislation to recently subdivided parcels on Rosstown Road (SUB01416). |

Recommendation

That:

1. “Zoning Amendment Bylaw 2024 No. 4500.231” (amendment to implement the Provincial Small-Scale Multi-Unit Housing legislation) receive first reading.
2. “Zoning Amendment Bylaw 2024 No. 4500.231” receive second reading.
3. “Zoning Amendment Bylaw 2024 No. 4500.231” receive third reading.
4. “Zoning Amendment Bylaw 2024 No. 4500.231” be adopted.

BACKGROUND

In 2023, the Province enacted the *Housing Statutes (Residential Development) Amendment Act, 2023* (Bill 44). Bill 44 included amendments to the *Local Government Act* that obligate local governments to allow for “Small-Scale Multi-Unit Housing” (SSMUH). The *Local Government Act* now requires local governments to permit the use and density of use necessary to accommodate at least the prescribed number of housing units defined in the legislation.

Unless otherwise exempt, affected parcels are required to be zoned to meet the new density requirements. Exemptions include parcels not within an urban containment boundary, parcels not connected to sanitary and water services, or parcels greater than 4,050m² in area.

Over time and through various mechanisms, properties that were previously exempt may no longer meet the legislative exemption criteria, meaning they will be required to be zoned to comply with the new provisions of the *Local Government Act*. Such mechanisms could include a change to the urban containment boundary, the extension of services to an area not previously serviced, or the subdivision of a parcel greater than 4,050m² in area into parcels less than 4,050m² in area, as is the case for the lands subject to this zoning amendment. |

DISCUSSION

On 2024-JUN-17, Council amended the Zoning Bylaw to meet the SSMUH requirements of Bill 44. At the time of adoption, the parent parcel was exempt from the required rezoning as the lot was greater than 4,050m² in area. At the time, the parent parcel had an active subdivision

application that has now been completed and registered; the previously exempt parent parcel has been subdivided into 13 new parcels, which range in area from 450m² to 745m², meaning they no longer meet the exemption criteria.

The new lots are now less than 4,050m² and are zoned R1 (Single Dwelling Residential), being a restricted zone. As such, pursuant to the *Local Government Act* section 481.3[3], Council must exercise the powers under section 479 (Zoning Bylaws) to permit the density required by the legislation. To satisfy this requirement, Zoning Amendment Bylaw 2024 No. 4500.231 will rezone the subject parcels from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5). City Plan designates the subject property as ‘Neighbourhood’; the Neighbourhood designation supports a mix of low-density residential uses, including infill development. The rezoning of these lands is consistent with Neighbourhood policies in City Plan and there are no anticipated servicing and site constraints that would impact the lots developing under the R5 zone.

Public Notification

Pursuant to Sections 464(3) and 467 of the *Local Government Act*, a public hearing is prohibited for proposed “Zoning Amendment Bylaw 2024 No. 4500.231”. Statutory notification of first reading occurred on 2024-SEP-18. |

ATTACHMENTS

ATTACHMENT A: “Registered Subdivision Plan”
“Zoning Amendment Bylaw 2024 No.4500.231” |

Submitted by:

Claire Negrin
Manager of Subdivision |

Concurrence by:

Jeremy Holm
Director of Planning & Development |